



February 20, 2009

## HOUSE BILL No. 1416

DIGEST OF HB 1416 (Updated February 17, 2009 7:54 pm - DI 96)

**Citations Affected:** IC 9-24; noncode.

**Synopsis:** Driver's licenses. Provides that if the holder of a driver's license or learner's permit has not renewed the driver's license or learner's permit, the bureau of motor vehicles shall provide notice of the expiration date of the driver's license or learner's permit to the holder of the driver's license or learner's permit during a specific period. Provides that an application for a commercial driver's license from a holder of a commercial driver's license from another state be conducted in accordance with federal regulations.

**Effective:** Upon passage; July 1, 2009.

**Pierce, Austin**

January 13, 2009, read first time and referred to Committee on Roads and Transportation.  
February 19, 2009, amended, reported — Do Pass.

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HB 1416—LS 6486/DI 103+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1416

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-24-6-2, AS AMENDED BY P.L.188-2006,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 2. (a) The bureau shall adopt rules under  
4 IC 4-22-2 to regulate persons required to hold a commercial driver's  
5 license.

6 (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49  
7 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49  
8 CFR 383 through 384, and may not be more restrictive than the federal  
9 Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law  
10 ~~106-159, 113~~ **106-159, 113** Stat. 1748).

11 (c) Rules adopted under this section must include the following:

- 12 (1) Establishment of classes and periods of validation of  
13 commercial driver's licenses.  
14 (2) Standards for commercial driver's licenses, including  
15 suspension and revocation procedures.  
16 (3) Requirements for documentation of eligibility for legal  
17 employment, as set forth in 8 CFR 274a.2, and proof of Indiana

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residence.

(4) Development of written or oral tests, driving tests, and fitness requirements.

(5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.

(6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.

(7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued. **The rules must carry out 49 CFR 383.71(b) with respect to an application for a commercial driver's license for a holder of a commercial driver's license in another state who seeks a transfer of the commercial driver's license to Indiana.**

(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law.

SECTION 2. IC 9-24-12-4, AS AMENDED BY P.L.184-2007, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

- (1) an operator's license;
- (2) a motorcycle operator's license;
- (3) a chauffeur's license;
- (4) a public passenger chauffeur's license; or
- (5) an identification card;

under this article may be filed not more than twelve (12) months before the expiration date of the license or identification card held by the applicant.

(b) When the applicant complies with IC 9-24-9-2.5(5) through IC 9-24-9-2.5(9), an application for renewal of a driver's license in subsection (a)(1), (a)(2), (a)(3), or (a)(4) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through IC 9-24-16-3.5(1)(I), an application for renewal of an identification card in subsection (a)(5) may be filed not more than one (1) month before the expiration date of the identification card held by the

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1 applicant.

2 (d) If the holder of a driver's license or a learner's permit has  
3 not renewed the driver's license or the learner's permit, the bureau  
4 shall provide notice of the expiration date of the driver's license or  
5 learner's permit to the holder of the driver's license or learner's  
6 permit. Notice under this subsection must be made:

7 (1) by first class mail to the holder's last address registered  
8 with the bureau; and

9 (2) not:

10 (A) more than sixty (60) days; and

11 (B) less than thirty (30) days;

12 before the expiration date.

13 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this  
14 SECTION, "bureau" means the bureau of motor vehicles created  
15 by IC 9-14-1-1.

16 (b) Notwithstanding IC 9-24-6-2(c)(8), as amended by this act,  
17 the bureau, under interim written guidelines approved by the  
18 commissioner of the bureau, shall provide that, after June 30, 2009,  
19 an application for a commercial driver's license for a holder of a  
20 commercial driver's license from another state be conducted in  
21 accordance with 49 CFR 383.71(b).

22 (c) This SECTION expires on the earlier of the following:

23 (1) The date rules are adopted under IC 9-24-6-2(c)(8), as  
24 amended by this act.

25 (2) December 31, 2010.

26 SECTION 4. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1416, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-24-6-2, AS AMENDED BY P.L.188-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 to regulate persons required to hold a commercial driver's license.

(b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 31104, 49 U.S.C. 31301 through 31306, 49 U.S.C. 31308 through 31317, and 49 CFR 383 through 384, and may not be more restrictive than the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law ~~106-159~~ **106-159**, 113 Stat. 1748).

(c) Rules adopted under this section must include the following:

- (1) Establishment of classes and periods of validation of commercial driver's licenses.
- (2) Standards for commercial driver's licenses, including suspension and revocation procedures.
- (3) Requirements for documentation of eligibility for legal employment, as set forth in 8 CFR 274a.2, and proof of Indiana residence.
- (4) Development of written or oral tests, driving tests, and fitness requirements.
- (5) Defining the commercial driver's licenses by classification and the information to be contained on the licenses, including a unique identifier of the holder.
- (6) Establishing fees for the issuance of commercial driver's licenses, including fees for testing and examination.
- (7) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.
- (8) Conditions for reciprocity with other states, including requirements for a written commercial driver's license test and operational skills test, and a hazardous materials endorsement written test and operational skills test, before a license may be issued. **The rules must carry out 49 CFR 383.71(b) with respect to an application for a commercial driver's license for a holder of a commercial driver's license in another state who**

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**seeks a transfer of the commercial driver's license to Indiana.**

(9) Other rules necessary to administer this chapter.

(d) 49 CFR 383 through 384 are adopted as Indiana law."

Page 2, after line 16, begin a new paragraph and insert:

**"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "bureau" means the bureau of motor vehicles created by IC 9-14-1-1.**

**(b) Notwithstanding IC 9-24-6-2(c)(8), as amended by this act, the bureau, under interim written guidelines approved by the commissioner of the bureau, shall provide that, after June 30, 2009, an application for a commercial driver's license for a holder of a commercial driver's license from another state be conducted in accordance with 49 CFR 383.71(b).**

**(c) This SECTION expires on the earlier of the following:**

**(1) The date rules are adopted under IC 9-24-6-2(c)(8), as amended by this act.**

**(2) December 31, 2010.**

**SECTION 4. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1416 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 6, nays 3.

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